CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 16, 2010

INVOCATION:
Pastor Carl Nielsen of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Zacarías, and Mayor Lavagnino.

MEMBERS ABSENT
Councilmember Patino

STAFF MEMBERS PRESENT
Assistant City Manager Haydon, City Attorney Trujillo, Fire Chief Jones, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Police Chief Macagni, Director of Community Development Appel, Director of Administrative Services Visé, Director of Recreation and Parks Posada, Acting City Librarian Corbett, Planner II Albro, and Chief Deputy City Clerk Perez.

PROCLAMATION – NATIONAL KEY CLUB WEEK
Councilmember Orach read a proclamation declaring the week of November 14 – 20, 2010, as "National Key Club Week" in the City of Santa Maria and calling upon all residents of Santa Maria to support the members of this organization who are preparing themselves to be better, more responsible citizens, as they provide meaningful service to our community. The proclamation was accepted by Bob Doyle and the Presidents of the local high school Key Clubs.

VOLUNTEERS OF THE MONTH
Councilmember Zacarías presented a gift to the Recreation and Parks Volunteers of the Month for November 2010, Eric and Diane Rae of Royal Family Kids Camp, for providing approximately 40 volunteers to assist the Recreation and Parks Department at the 27th Annual Autumn Arts Grapes and Grains Festival's Family Fun area.

PUBLIC COMMENT
Matthew Wiltz, Life Style Taxi, spoke regarding an application for a Certificate of Public Convenience and Necessity to operate a new taxi service in the City and the requirement for a Conditional Use Permit. He thanked the Community Development Department for working with them to try to reduce the cost of the Use Permit. He said Lifestyle Taxi wanted to be a part of the community and provide a service.

Dennis Szczepanski spoke about former Police Chief John Sterling and the need to pay tribute to him. He said Santa Maria should show that it is the All-America City and do whatever was asked to honor Chief Sterling.

Walt Mankins also spoke about John Sterling and asked that the Santa Maria Police Department Color Guard be allowed to participate in his funeral service. He did not know why the City wouldn't want to honor him with an All-America City send off.

CONSENT CALENDAR
Mayor Lavagnino pulled Items 3E and 3G for comment. Councilmember Cordero requested Item 3F be pulled for comment.

Item 3E – Agreement for Orcutt Branch Library Tenant Improvements
Mayor Lavagnino stated this was very good news that Orcutt was going to get a new library and the tenant improvements would be taken care of.

Item 3F – Federal Organized Crime Drug Enforcement Task Force Reimbursement Program
Councilmember Cordero asked Chief Macagni if the reimbursement program could be used for preventative measures as well as overtime and investigations.

Chief Macagni explained that the funds could not be used for prevention and were strictly for enforcement in complex narcotic and gang investigations.

Item 3G – Fire Station #3 Call for Bids
Mayor Lavagnino announced the City would be calling for bids to construct a new Fire Station #3 on Preisker Lane which would replace the old fire station at Donovan. It would be a tremendous improvement.

Consent Calendar Items 3A through 3G were approved on motion by Councilmember Orach, seconded by Councilmember Zacarias, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Patino
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 2, 2010, were approved as submitted.

C. WARRANTS
Warrant Nos. 162475 to 162563 totaling $1,720,670.44 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 154107, 154178, 157384, 161900, 162394, 162513, and 162518 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORCUTT BRANCH LIBRARY AGREEMENT
Resolution No. 2010-126 was adopted approving an agreement with the County of Santa Barbara for tenant improvements to the new Orcutt Branch Library.

Resolution No. 2010-126 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT WITH THE COUNTY OF SANTA BARBARA FOR ORCUTT LIBRARY TENANT IMPROVEMENTS.

F. ORGANIZED CRIME DRUG ENFORCEMENT REIMBURSEMENT PROGRAM
Resolution No. 2010-127 was adopted authorizing the Santa Maria Police Department to receive federal monetary reimbursement on mutually agreed upon investigations with the Drug Enforcement Agency (D.E.A.).

Resolution No. 2010-127 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE SANTA MARIA POLICE DEPARTMENT'S PARTICIPATION IN THE FEDERAL ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE REIMBURSEMENT PROGRAM.

G. CALL FOR BIDS
The City Council gave approval to call for bids on the plans and specifications for the Northwest Fire Station #3, Bid No. 2011/04.

DEVELOPMENT AGREEMENT FOR COLE ENTERPRISES, LLC, 1525 WEST BETTERAVIA ROAD, TO ALLOW THE PHASED DEFERRAL OF PUBLIC INFRASTRUCTURE IMPROVEMENTS, SP-2010-021 AND E-2009-003.
Director of Community Development Appel gave the staff report. The City Council is asked to consider a request to approve a Development Agreement for Cole Enterprises and introduce an ordinance to allow the phased deferral of certain public infrastructure improvements. On October 5, 2010, the City Council was presented with two versions of a Development Agreement, one recommended by the Planning Commission and one recommended by Community Development staff. After hearing from the applicant that they preferred the Planning Commission version, the City Council continued the project and directed the applicant to work with staff to bring back an agreement that could gain their support. Staff met with the Coles on October 18, 2010, at which time a tentative agreement was reached on every topic that had previously been disputed. The primary focus of benefit to the City has been the proposed improved visual appearance along "A" Street. No one knows how long it will be before the property develops with uses identified in the Area 9 Specific Plan. To that end, staff has required, and the applicant has agreed, to improve the aesthetics of the area by replacing the old fence with a new eight-foot chain link with privacy slats. In addition, substantial landscaping will be planted and maintained along the entire "A" Street frontage. The revised Development Agreement has been finalized and signed by the Coles. Staff now recommends approval of the Development Agreement.

Mayor Lavagnino opened the Public Hearing.

Dave Cross of Fletcher, Cross and Associates, stated they were the agents for the Coles. After last month's meeting, the Coles met with staff. Both sides wanted to work it out and find common ground. Community Development staff did a great job helping them reach an agreement, as did the Public Works Department and Recreation and Parks. The Coles were very appreciative, and in the end they gave a lot as well. It was a good agreement, and they urged Council to approve it.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Ordinance No. 2010-13 approving a Development Agreement for Cole Enterprises, LLC, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Zacarias, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Zacarias, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Patino
ABSTAIN: None

Ordinance No. 2010-13 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR COLE ENTERPRISES, LLC, SP-2010-021, E-2009-003, LOCATED AT 1525 WEST BETTERAVIA ROAD.

HOUSING ELEMENT UPDATE, GP-2009-001, E-2009-034.
Community Development Director Appel thanked Advance Planner Brian Smith, who was home ill, and Planner II Albro for their hard work on the Housing Element.

Planner II Albro gave the staff report. The City Council is asked to consider the State Housing and Community Development Department's (HCD) comments on, and adoption of, the 2010 Housing Element of the General Plan. The purpose of the Housing Element is to allow local governments to adequately plan to meet the existing and projected housing needs of all economic segments of the community. State law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. The

2010 Housing Element of the General Plan identifies housing needs of the community and programs to achieve the housing goals, policies, and objectives of the City of Santa Maria, as determined by the Regional Housing Needs Allocation (RHNA). The action before the Council is adoption of the Final 2010 Housing Element reflecting HCD's recent comments on the Draft Housing Element, which was approved by the City Council on December 1, 2009. On February 2, 2010, the City received a letter from HCD stating that if the Draft Housing Element was revised per their suggestions, the changes would "bring Santa Maria's Housing Element into compliance with Article 10.6 of the Government Code." HCD's suggestions did not require substantial modification of the 2009 Draft Housing Element, and therefore, it did not require additional Planning Commission review. Staff has prepared the recommended changes to the Draft 2009 Housing Element and incorporated those changes into the Final 2010 Housing Element.

Mayor Lavagnino opened the Public Hearing. Hearing no requests to speak, Mayor Lavagnino closed the Public Hearing.

Councilmember Cordero stated in the report it said HCD made some recommendations and staff incorporated those recommendations into the final document. He mentioned the project the Council approved recently on South Blosser where the project changed from mobile homes to stick-built homes. He asked if that change would affect the RHNA numbers and if other property would need to be rezoned for mobile homes in the future.

Mr. Albro explained the RHNA calculation and inventory analysis was based on R-3 zoned properties. The property in question was zoned for mobile home parks, not R-3. That property would not have been included in the inventory found in the Housing Element. The RHNA numbers look at whether or not the City has adequate sites with the correct zoning to accommodate future units. It did not get into specific types of housing. Zoning districts that would allow mobile home parks were R-2, R-3, Open Space and others.

Director of Community Development Appel explained that the City's available housing capacity was about 500 units more than required by the RHNA numbers.

Councilmember Zacarías stated she had the same question. She asked about the opportunity to consider other areas for mobile homes in the future, and what interested folks could do to advocate for additional mobile home development in the City.

Director Appel explained there was no raw land with mobile home park zoning; however, there was the opportunity for developers to request a zone change to mobile home park.

Resolution No. 2010-128 approving the 2010 Final Housing Element was adopted on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following roll-call vote:

AYES:	Councilmembers Cordero, Orach, Zacarias, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Patino
ABSTAIN:	None

Resolution No. 2010-128 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE 2010 HOUSING ELEMENT OF THE GENERAL PLAN AND DIRECTING THE CITY CLERK TO FILE A NOTICE OF DETERMINATION, GP-2009-001, E-2009-034.

AMENDMENT TO SECTION 12-34 OF TITLE 12 OF THE MUNICIPAL CODE PERTAINING TO SANDWICH BOARD, TEMPORARY, BOW/FEATHER SIGNS, TEMPORARY SIGNS IN DEVELOPING RESIDENTIAL AREAS, AND PARKING LOT LIGHT BANNERS; Z-2010-005, E-2010-048.

Director of Community Development Appel gave the staff report. The City Council is asked to consider a recommendation from the Planning Commission regarding a zoning text amendment. On August 17, 2010, the City Council heard a presentation from Community Development regarding various sections of the Sign Ordinance. At the time, the main reason for bringing the issue to Council was that the sandwich board sign

section of the ordinance (limited to the Downtown Specific Plan area) had recently sunset, which prohibited the use of that type of sign. Concerns were raised by other business owners in the City who were unaware that their own sandwich board signs were prohibited. Staff was directed by the City Council to return with various amendments to the ordinance, but the City Attorney's office instructed staff that the text amendment would first need to be considered by the Planning Commission. The Commission first heard the item on October 6th and continued it to November 3rd to provide additional time for staff to address issues raised by the public.

Based on direction from Council, the City initiated the proposed Zoning Ordinance text amendments. Various sections of the ordinance have been amended to address the types of signs that were discussed at the August 17th City Council meeting including temporary, sandwich board, and bow/feather signs. Two other amendments for temporary signs - temporary flags in residential areas and parking lot light banners - have been recommended by the Planning Commission.

The proposed amendment would extend the sunset for sandwich board signs for one year within the Downtown Specific Plan area, allow temporary signs for up to two 30-consecutive day periods within a six month time frame and allow posting on vacant land, and confirm that the use of bow/feather signs is prohibited. At the direction of the Planning Commission, staff prepared an amendment that would distinguish bow/feather signs from flags for new model homes, apartments and condominiums. Limits were placed on the size and number of flags that could be utilized. Another type of banner sign, used in several areas of the community, is affixed to parking lot lights within commercial parking lots. Under the current definition of bow/feather, these would be banned. Staff has provided draft language that, if accepted, could allow the continued use of these types of banners.

Councilmember Orach asked about some of the signs posted during the election for fictitious candidates, and if those types of signs would be required to be removed under the new ordinance.

Director Appel explained that the Sign Ordinance did not regulate the content of a sign. There were personal signs that could be placed on private property; however, not in the City's right-of-way. The City could always enforce signs in the right-of-way.

In connection with sandwich board signs, Director Appel explained that the ban on sandwich board signs in the Downtown Specific Plan area was being extended for one year. He planned to come back to the Planning Commission and Council before that year was up for direction.

Mayor Lavagnino stated that when Director Appel looks at sandwich board signs next year, he would like him to investigate areas outside the Downtown Specific Plan area.

Councilmember Cordero stated it was his understanding that the reason for allowing sandwich board signs within the Downtown Specific Plan area was for pedestrian traffic walking through the downtown area rather than having them in front of a business where someone driving a vehicle would have to take their eyes off the road to see what was on the sign.

Director Appel explained that was partially correct. One of the goals of the Downtown Specific Plan was for the downtown to become more pedestrian friendly. Staff was also working on the Economic Development Plan at that time. One of the things that came up was allowing sandwich board signs in the downtown area to entice people into businesses. Sandwich board signs had not been permitted anywhere in the City before that time.

Director Appel asked for Council direction on a phase-out period for enforcement of the ban on bow/feather signs. He suggested a 30- or 60-day period. He advised the Council that businesses with bow/feather signs had already been notified of the proposed ordinance.

Mayor Lavagnino opened the Public Hearing. Hearing no requests to speak, Mayor Lavagnino closed the Public Hearing.

Ordinance No. 2010-14 amending the Sign Ordinance was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Patino
ABSTAIN: None

Ordinance No. 2010-14 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 12-34 OF THE SANTA MARIA MUNICIPAL CODE, PERTAINING TO TEMPORARY SIGNS, SANDWICH BOARD SIGNS, AND BOW/FEATHER SIGNS.

Director Appel again asked for direction on when to start enforcement of the prohibition of the bow/feather signs.

Councilmember Orach suggested it be enforced when the ordinance becomes effective in January. Council agreed.

CITY MANAGER'S REPORT
Assistant City Manager Haydon reported on items anticipated for the December 7, 2010, City Council meeting including three retirement resolutions for City employees, second reading of the Cole's Development Agreement Ordinance and the Sign Ordinance amendments, a public hearing for a Zoning Text Amendment to define agriculture, and an ABC License for Carniceria al Amigo Abad.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Cordero reported he appeared on the Ben Heighes radio show, attended a Community Action Commission (CAC) meeting in Solvang, a homeless meeting at Supervisor Centeno's office, the Celebrate Philanthropy dinner at the Country Club, two Future Search meetings, a CAC Staff Appreciation dinner, a 40th Anniversary Celebration in Paso Robles for People's Self-Help Housing, a Red Cross gathering, the Bring Your Community Home meeting, Councilmember Zacarías's daughter's wedding, the Campaign for Kids at the Boys Club, listened to Mr. Jim Roberts speak at Shepard Hall, attended a meeting at Allan Hancock College regarding fundraising, a Laker's game, and visited with former Chief John Sterling in the hospital just before he passed away.

Mayor Lavagnino reported he attended AB 1825 Harassment Training, a City Select meeting in Solvang, the Celebrate Philanthropy dinner, the Mayor's lunch in Lompoc, Sister Janet Corcoran's 50th Year Jubilee, three on-site visits to discuss sales tax coding, the Veteran's Day ceremony at the Santa Maria Cemetery and Michael Clayton's Veteran's barbecue, and the public hearing on the Steelhead Inflow Stream Study.

Councilmember Zacarías congratulated Jack Boysen and Alice Patino. She thanked the people who helped her in her campaign for Assembly Member. She asked that the Council appoint Councilmember Cordero as the permanent member of the Community Action Commission. She announced her daughter got married on November 8th. She would again be participating in the VITA program for income tax preparation. She requested a report on the status of the Airport Mobile Home Park at the next meeting. She expressed condolences to the families of the young boy who died in the recent house fire, Sly Rodriguez, and former Chief Sterling.

Councilmember Orach reported he attended the LAFCO meeting, attended the harassment training, went to see the 49er's beat the Rams, and announced that the All-America City Committee would be kicking off their neighborhood project this weekend.

CLOSED SESSION:
The City Council recessed to a Closed Session at 7:40 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government

Code Section 54956.9 to discuss USA v. ALCOA, INC. Case No. CV-10-05051 and USA v. ABEX AEROSPACE DIVISION, ET. AL., Case No. CV-00-12471; and Conference with Labor Negotiators pursuant to Government Code Section 54957.6, Agency Representative – Assistant City Manager; Employee Organizations - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees.

After the Closed Session, the following report was given:

Conference with Legal Counsel – USA v. ALCOA, INC. Case No. CV-10-05051 and USA v. ABEX AEROSPACE DIVISION, ET. AL., Case No. CV-00-12471 – Direction to staff was given.

Conference with Labor Negotiator - Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Local 2020; Public Safety Managers; and Non-Represented Management and Confidential Employees – A status report was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:08 p.m. by Councilmember Cordero in honor of former Police Chief John Sterling.

APPROVED

December 7, 2010
Date

Chief Deputy City Clerk and ex officio
Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria